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Delaware Department of Justice concludes review of Wilmington bar altercation

Wilmington, DE – The Delaware Department of Justice has concluded its review and investigation of the October 24, 2009 physical altercation observed by Wilmington Police Department officers outside of Dude's Bar on N. Union Street in Wilmington. The Department has reached its conclusion after reviewing an exhaustive investigation by Wilmington Police. The Department has reviewed all of the evidence gathered by Wilmington Police, and also conducted its own supplemental investigation in conjunction with Wilmington Police.

During the course of the investigations, more than twenty-five witnesses were interviewed. These witnesses included all of the participants believed to be a part of the altercation, numerous bar patrons, on- and off-duty law enforcement officers and numerous fire fighters assigned to Station Six, which is located across the street from the bar. The investigation revealed varied descriptions of what occurred in the hour or so after 1:00 a.m. inside and outside the bar. No other evidence, such as video, that would clarify events was discovered. Alcohol consumption by many of the witnesses factored into the ability of investigators to make definitively reliable factual assessments of many of the details of the disturbance. By most, if not all, accounts the incident was initiated after an individual was refused service, but after that there was a wide variance in the detail provided by witnesses and by those who participated in the altercation and it remains unclear as to what escalated the situation into a matter where the individual who was refused service sustained a broken nose and others were left with bruises and abrasions.

As many versions of the events were provided, the State had to consider numerous defenses that may apply to the prosecution, such as self-defense, defense of others, justification and mutual combat. Following its review and investigation, the Delaware Department of Justice has determined that there is insufficient probable cause to support an arrest or prosecution.

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